

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH PADGETT, et al.,
Plaintiffs,

v.

BRIAN LOVENTHAL, et al.,
Defendants.

Case No. [5:04-cv-03946-EJD](#)

**ORDER DENYING MOTION FOR
CLARIFICATION**

Re: Dkt. No. 1088

Presently before the Court is a Motion for Clarification of the Amended Order denying Defendants' Motion for Bill of Costs and granting in part and denying in part Plaintiffs' Motion for Attorneys' Fees and Costs. See Dkt. Nos. 1087 ("Order"); 1088 ("Mot."). Having carefully reviewed this matter, the motion will be denied for the reasons explained below.

I. FACTUAL AND PROCEDURAL BACKGROUND

In September 2004, Plaintiffs Joseph and Darla Padgett ("Plaintiffs") commenced this civil rights action against the City of Monte Sereno, city elected officials and city employees. Plaintiffs asserted seven claims for violation of their constitutional rights and for emotional distress, stemming from a dispute with the City about enforcement of a fence height ordinance. See Order at 1-2. Two claims asserting the violation of their First and Fourteenth Amendments proceeded to trial, whereby only Mr. Padgett prevailed on one claim against one defendant. Id. at 2. Mr. Padgett was awarded nominal and punitive damages. Id.

After trial was completed, Plaintiffs moved for attorneys' fees and costs. Presiding over this case, Judge James Ware awarded Plaintiffs \$500,000 in attorneys' fees and \$100,000 in costs. Id. at 3. Defendants appealed the decision to the Ninth Circuit, and in February 2013, the Ninth

Circuit vacated and remanded the Court's decision due to the absence of an explanation on how the Court determined attorneys' fees and costs. Id. After this case was reassigned to the undersigned judge, the parties were ordered to submit renewed motions for attorneys' fees and costs. Id. On March 31, 2015, after evaluating the renewed motions, this Court awarded \$471,056.64 in attorneys' fees and \$100,000 in costs.¹ Id. at 11-12. The instant Motion for Clarification follows the Court's decision on attorneys' fees and costs.

II. DISCUSSION

"A court may clarify its order for any reason." Wahl v. Am. Sec. Ins. Co., No. C 08-0555 RS, 2010 WL 2867130, at *9 (N.D. Cal. July 20, 2010). This type of request "invite[s] interpretation, which trial courts are often asked to supply, for the guidance of the parties." Bordallo v. Reyes, 763 F.2d 1098, 1102 (9th Cir. 1985). From this, it is apparent that the clarification process presumes some legitimate need supporting relief, such as the existence of ambiguity or confusion that can be corrected with further explanation. But, where an order or direction of the Court is clear, it follows that clarification is unnecessary.

Here, the motion poses five questions to the Court, but provides no argument or explanation as to why the Order is confusing or ambiguous such that clarification is necessary. See Mot. at 1. The type of clarification sought pertaining to the vesting of fees and a proposed judgment is unclear. Moreover, seeking clarification on whether "the Court was aware" of certain items appear to be a masked motion for reconsideration, and seeking clarification on whether the Court reduced the fee award based on work performed during summary judgment is unnecessary given the clear explanation provided in the Order. A Motion for Clarification cannot be used as a vehicle to raise issues that should have either been raised in the original motion or through a proper motion for reconsideration.

¹ As the Order states, Mr. Padgett failed to file a motion for attorneys' fees and costs on behalf of McManis Faulkner & Morgan. See Order at 3-4. Therefore, the Order considered only the Motion for Attorneys' Fees and Costs on behalf of Kallis & Associates and Bustamante O'Hara and Gagliasso. See id. at 4.

This Court does not find that a clarification is necessary. The Order provides the amount awarded to counsel for attorneys' fees and costs, and provides a detailed explanation as to how the Court arrived at those figures. Nothing more needs to be said.

III. CONCLUSION

For the foregoing reasons, the Motion for Clarification is DENIED.

IT IS SO ORDERED.

Dated: May 13, 2015


EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California